FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
MARKET DISPUTES RESOLUTION DIVISION
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WASHINGTON, DC 20554

February 12, 2015

By U.S. Mail and Email

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Re: *Frontier Communications of the Carolinas LLC v. Duke Energy Progress, Inc.*, File No. EB-13-MD-007, Docket no. 14-213

Dear Counsel:

To assist the Bureau in resolving this matter, pursuant to Rule 1.1411,[1] we direct the parties to brief the following issues:

1) What benefits or advantages, if any, did Frontier receive under the joint use agreements that are not available to competitive LECs (e.g., avoided make-ready costs)?
2) What is the estimated monetary value of each of such benefits?
3) After accounting for the value of those benefits, what is a just and reasonable pole attachment rate?

The parties should be guided in their briefing by the Bureau's decision in *Verizon Florida v. Florida Power and Light*.[2] If a party believes it needs discovery to address these issues, it may submit discovery requests.

The schedule for discovery and briefing is as follows:

Each party shall send an email by February 20 stating whether it will be seeking discovery.

If neither party requests discovery, opening briefs from both parties are due March 27, and responses are due April 17.

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[1] 47 C.F.R. 1.1411.

[2] *Verizon Florida LLC v. Florida Power and Light Company*, Memorandum Opinion and Order, ECFS No. 14-216, File No. EB-14-MD-003, ECFS No. 14-216 (Enf. Bur. Feb. 11, 2015).

If either party requests discovery, its requests should be filed and served by March 6, and discovery should be completed by April 3. Opening briefs from both parties are due May 8; and responses are due May 29.

Finally, we encourage the parties to attempt to settle this dispute rather than expending further time and expense. If the parties are interested in mediation with Commission staff, please contact me and we will schedule a mediation session as quickly as schedules permit.

This letter is issued pursuant to sections 4(i) and 4(j) of the Communications Act, 47 U.S.C. §§ 154(i), 154(j), sections 1.1404-1-1424 of the Commission's rules, 47 C.F.R. §§ 1.1401-1.1424, and the authority delegated by sections 0.111, and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311.

If you have any questions, please contact me at (202) 418-1711, christopher.killion@fcc.gov, Rosemary McEnery at (202) 418-7336, rosemary.mcenery@fcc.gov, or Lia Royle at (202) 418-7336, lia.royle@fcc.gov.

Sincerely,

Christopher Killion

cc: Rosemary McEnery
Lia Royle